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EXAMINER

OJURONGBE, OLATUNDE S

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 12/29/2008 have been fully considered but they are not persuasive.

2. The applicants argue that Fukunaga et al does not provide working example of a curing composition that comprises such a tin carboxylate having a quaternary carbon atom adjacent to the carbonyl group, and contains no discussion that such a tin carboxylate produces an unexpected effect. The examiner disagrees.

Firstly the disclosure of Fukunaga et al is not limited to exemplified embodiments; rather, it encompasses both exemplified and non-exemplified embodiments.

Furthermore, the effect the applicants claim the tin carboxylate of the composition of the present invention produces is an inherent property of the composition which depends on the components of the composition. Products of identical chemical composition can not have mutually exclusive properties; a chemical composition and its properties are inseparable. Therefore, if the prior art teaches the identical chemical structure, the properties applicant discloses and/or claims are necessarily present. Furthermore, the arguments of counsel cannot take the place of evidence in the record. Moreover, mere recognition of latent properties in the prior art does not render nonobvious an otherwise known invention.

The applicants further argue that Fukunaga et al refers to the teachings of Singh as one method for producing component (A); however, Singh's method is merely an example among many possible production methods that are mentioned by Fukunaga et al.

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Fukunaga et al does not disclose that the method of Singh is a preferable one. In fact, the component (A) produced in the working examples of Fukunaga et al are indeed outside the scope of the present claim 1. Thus Fukunaga et al does not disclose the combination of the organic polymer (A) and the specific tin carboxylate (B) of claim 1. The examiner disagrees.

Firstly, when the species is clearly named, as with the case of Fukunaga et al naming the method of Singh, the species claim is anticipated no matter how many other species are additionally named. Furthermore, the disclosure of Fukunaga et al is not limited to preferred or exemplified embodiments; rather, it encompasses all that is disclosed, which include exemplified, non-exemplified, preferred and non-preferred embodiments. The applicant further argue that the organic polymer (A) recited in claim 1 is, as illustrated in Table 3 of the present specification, a polymer having a specific amount of amido units and that a combination of the organic polymer (A) that has a specific structure, and a specific tin carboxylate as component (B), provides a rapid curing rate. Such a combination and such an improving effect in curability are not disclosed or suggested by Fukunaga et al or by Singh. The examiner disagrees.

The organic polymer (A) of Table 3 are species of organic polymer (A) of the present invention that are not mentioned in the present claims; although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. The organic polymer and the stannous curing catalyst of Fukunaga et al meet the limitations of the claimed organic polymer (A) and tin carboxylate (B) of the present claims. The examiner's stance about the effect produced by the combination of

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tin carboxylate and other components of the composition of the invention is as stated above.

Concerning claim 4, the applicants argue that the examiner asserts that Suzuki et al teach the use of a carboxylic acid in place of organometallic compounds in curing a specific polymer; however, the carboxylic acid in claim 4 is a carboxylic acid that has a quaternary carbon atom adjacent to the carbonyl group of the carboxylic acid. Suzuki et al does not teach the use of such a carboxylic acid. The examiner disagrees.

The rejection of the claim is based on a combination of references and one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

The applicants further argue that Okamoto et al does not teach the use of a free carboxylic acid that has a quaternary carbon atom adjacent to the carbonyl group.

Firstly, the rejection of the claim is based on a combination of references and one cannot show nonobviousness by attacking references individually where the rejection is based on combinations of references. Furthermore, while Suzuki et al teaches the use of a carboxylic acid in place of organometallic compound, Okamoto et al teaches the advantages of specific carboxylic acids, which include neodecanoic acid. The advantages as taught by Okamoto et al are directed to the free carboxylic acids used in the preparation of the metal carboxylates (see col.15, lines 61-65 and col.16, lines 58-65) and as explained in prior office action, based upon the advantages taught by Okamoto et al, it would have been obvious to one of ordinary skill in the art to have

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used the free carboxylic acid of Okamoto et al, in the composition of the invention of modified Fukunaga et al.

The applicants' arguments fail to put the application in a condition for allowance.

/Margaret G. Moore/
Primary Examiner, Art Unit 1796

mgm
1/21/09